

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

WILLIAM BERNARD LANDRY, SR. §
VS. § CIVIL ACTION NO. 1:06cv264
STATE OF TEXAS §

MEMORANDUM OPINION

Plaintiff William Bernard Landry, Sr., an inmate confined at the LeBlanc Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, brings this civil rights suit pursuant to 42 U.S.C. § 1983.

Discussion

Plaintiff originally filed this action in the United States District Court for the Southern District of Texas. On May 17, 2006, the Southern District transferred the action to this court. On June 8, 2006, mail sent to plaintiff was returned to the court with the notation: "RTS released." Plaintiff has failed to provide the court with a current address at which he may receive his mail.

Fed. R. Civ. P. 41(b) authorizes the district court to dismiss an action for want of prosecution *sua sponte* whenever necessary to achieve the orderly and expeditious disposition of cases. *Anthony v. Marion County General Hospital*, 617 F.2d 1164, 1167 (5th Cir. 1980); *quoting Link v. Wabash*, 370 U.S. 626 (1962). *See also McCullough v. Lynaugh*, 835 F.2d 1126 (5th Cir. 1988). The exercise of the power to dismiss for failure to prosecute is committed to

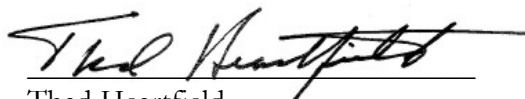
the sound discretion of the Court and appellate review is confined solely in whether the Court's discretion was abused. *Green v. Forney Engineering Co.*, 589 F.2d 243 (5th Cir. 1979); *Lopez v. Aransas County Independent School District*, 570 F.2d 541 (5th Cir. 1978).

By failing to provide the court with a current address, plaintiff has prohibited the court from communicating with him. Therefore, plaintiff has failed to diligently prosecute this case. Accordingly, this case should be dismissed for want of prosecution pursuant to Fed. R. Civ. P. 41(b).

Conclusion

For the reasons set forth above, this action should be dismissed. A final judgment so providing shall be entered this date.

SIGNED this the 13 day of **June, 2006**.


Thad Heartfield
United States District Judge